## THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No.

Filed by: Judge Jameson Lee

Box Interference

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UNITED STATES PATENT AND TRADEMARK OFFICE

**FAXED** 

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Judge Jameson Lee)

APR 1 2 2000

PAT. & T.M. OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

ANDREW H. CRAGG, and MICHAEL D. DAKE

Junior Party (Application 08/461,402)

v.

ERIC C. MARTIN,

Junior Party (Patent No. 5,575,817),

v.

THOMAS J. FOGARTY, JAY A. LENKER, TIMOTHY J. RYAN and KIRSTEN FREISLINGER,

Senior Party (Application 08/463,836)

Patent Interference No. 104,192

## Re-Declaration

Consistent with the decision (Paper No. 130) granting party Fogarty's preliminary motion 12 attacking the benefit accorded

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party Cragg's involved application, this interference is herein . re-declared as follows:

- 1. Party Cragg's involved application 08/461,402 is no longer accorded the benefit of European application EP94400284.9, and EP 94401306.9.
- 2. Party Cragg's involved application is accorded the benefit of U.S. application 08/317,763, filed October 4, 1994, now Patent No. 5,609,627, issued on March 11, 1997.
- 3. Party Cragg is now junior party in this interference, as is party Martin, and party Fogarty is now senior party.

Date: 4/12/2000

Jameson Lee

Administrative Patent Judge

Interference No. 104,192 Cragg v. Martin v. Fogarty

By Facsimile

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